

Executive Summary – Enforcement Matter – Case No. 42336
Gerardo M. Romero and Marivel Romero dba Sol Y Mar
RN105377410
Docket No. 2011-1483-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sol Y Mar, one quarter mile east of the intersection of Steward Road and Ridge Road, Hidalgo County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 6, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,010

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$110

Total Due to General Revenue: \$2,900

Payment Plan: 29 monthly payments of \$100 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 15, 2011

Date(s) of NOE(s): August 19, 2011

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report to the Executive Director each quarter by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to provide the results of quarterly nitrate sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
3. Failed to provide the results of annual stage 1 disinfectant by-products sampling to the Executive Director [30 TEX. ADMIN. CODE § 290.113(e)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The order will require the Respondents to:

- a. Within 30 days,
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of the Executive Director request or of their receipt by the Facility, whichever is later; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

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c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliance reporting.

d. Within 195 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, R-14, (361) 825-3425; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.
TCEQ SEP Coordinator: N/A
Respondent: Gerardo M. Romero, Owner, Sol Y Mar, 601 East Jones Avenue, Pharr, Texas 78577-5535
Merivel Romero, Owner, Sol Y Mar, 601 East Jones Avenue, Pharr, Texas 78577-5535
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	23-Aug-2011	Screening	23-Aug-2011	EPA Due	30-Sep-2010
	PCW	23-Aug-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Gerardo M. Romero and Marivel Romero dba Sol Y Mar		
Reg. Ent. Ref. No.	RN105377410		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	42336	No. of Violations	3
Docket No.	2011-1483-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	70.0% Enhancement	Subtotals 2, 3, & 7	\$1,120
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Notes

Enhancement for 10 NOVs with the same/similar violations and one agreed order with a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes

The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$418
Approx. Cost of Compliance \$1,893

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,720
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OTHER FACTORS AS JUSTICE MAY REQUIRE	10.7%	Adjustment	\$290
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for the recovery of avoided costs for Violation No. 1.

Final Penalty Amount	\$3,010
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,010
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,010
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Screening Date 23-Aug-2011

Docket No. 2011-1483-PWS-E

PCW

Respondent Gerardo M. Romero and Marivel Romero dba Sol \

Policy Revision 2 (September 2002)

Case ID No. 42336

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105377410

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 10 NOVs with the same/similar violations and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 23-Aug-2011

Docket No. 2011-1483-PWS-E

PCW

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar

Policy Revision 2 (September 2002)

Case ID No. 42336

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105377410

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, the Respondents failed to submit DLQORs from the fourth quarter of 2008 through the second quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 11

1002 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,100

Eleven quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$1,100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$295

Violation Final Penalty Total \$2,069

This violation Final Assessed Penalty (adjusted for limits) \$2,069

Economic Benefit Worksheet

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar
 Case ID No. 42336
 Reg. Ent. Reference No. RN105377410
 Media Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	15-Aug-2011	1-May-2012	0.71	\$2	n/a	\$2
Training/Sampling	\$100	15-Aug-2011	1-May-2012	0.71	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$248	10-Jan-2009	10-Jul-2011	3.41	\$42	\$248	\$290

Notes for AVOIDED costs

The avoided costs include the estimated amount to prepare and submit the missing DLQORs. The date required is the day the report was due for the fourth quarter of 2008 and the final date is the day the report was due for the second quarter of 2011.

Approx. Cost of Compliance

\$393

TOTAL

\$295

Screening Date 23-Aug-2011

Docket No. 2011-1483-PWS-E

PCW

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar

Policy Revision 2 (September 2002)

Case ID No. 42336

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105377410

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description

Failed to provide the results of quarterly nitrate sampling to the Executive Director. Specifically, the Respondents failed to provide nitrate monitoring results for the second quarter of 2010 through the first quarter of 2011 for Entry Point 001.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

364 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$400

Four quarterly events are recommended, calculated for the four quarterly monitoring results that were not reported.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$123

Violation Final Penalty Total \$753

This violation Final Assessed Penalty (adjusted for limits) \$753

Economic Benefit Worksheet

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar

Case ID No. 42336

Reg. Ent. Reference No. RN105377410

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	31-Jan-2011	1-Apr-2012	1.17	\$6	\$117	\$123
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to pay any outstanding lab fees so that the lab will release the nitrate results and the Respondents can provide them to the Executive Director. The date required is the last date of the monitoring period in which the nitrate results were not provided and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$123

Screening Date 23-Aug-2011

Docket No. 2011-1483-PWS-E

PCW

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar

Policy Revision 2 (September 2002)

Case ID No. 42336

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105377410

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.113(e)

Violation Description

Failed to provide the results of annual stage 1 disinfectant by-product ("DBP") sampling to the Executive Director. Specifically, the Respondents failed to provide DBP monitoring results for the year 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$100

One annual event is recommended, calculated for the annual monitoring results that were not reported.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X

(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Gerardo M. Romero and Marivel Romero dba Sol Y Mar

Case ID No. 42336

Reg. Ent. Reference No. RN105377410

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs are captured in the economic benefit worksheet associated with Violation No. 2

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN603871732 Marivel Romero Classification: AVERAGE Rating: 3.01
 Regulated Entity: RN105377410 SOL Y MAR Classification: AVERAGE Site Rating: 3.01
 BY DEFAULT

1080238

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
 Location: 1/4 MILE EAST OF INTERSECTION OF STEWART
 ROAD & RIDGE ROAD, HIDALGO COUNTY, TX
 TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: August 23, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 23, 2006 to August 23, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/17/2008

ADMINORDER 2008-0848-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to locate a water well used for a public water supply at least 150 feet from a septic drain field.

Specifically, the well was located within 50 feet of a septic tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to obtain sanitary control easements for land covering within 150 feet of the well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to submit well completion data for Commission's review and approval prior to placing the well into service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide a concrete sealing block extending at least three feet from the well in all directions, with a minimum thickness of six inches.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the water system's wellhead with a gasket or sealing compound and failed to provide a well casing vent covered with a 16-mesh or finer corrosion-resistant screen.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow-measuring device or other method for determining well production capacities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide a properly constructed intruder-resistant fence for the water system's well.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)

Description: Failure to provide disinfection facilities for the groundwater supply.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)

30 TAC Chapter 290, SubChapter D 290.46(a)

Description: Failure to submit plans and specifications to the executive director for review and approval prior to the establishment of a new public water supply.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

Description: Failure to maintain records of operation and maintenance activities.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 03/11/2009 (737516)

2 08/18/2011 (949281)

3 08/18/2011 (949351)

4 08/17/2011 (949357)

5 08/17/2011 (949367)

6 08/17/2011 (949372)

7 08/17/2011 (949380)

8 10/01/2009 (949384)

9 07/21/2009 (949399)

10 03/27/2009 (949407)

11 08/17/2011 (949411)

12 08/19/2011 (949983)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 03/27/2009 (949407)

CN603871732

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.

Date: 07/21/2009 (949399)

CN603871732

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Date: 10/01/2009 (949384) CN603871732
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Date: 08/17/2011 (949380) CN603871732
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Date: 08/17/2011 (949357) CN603871732
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Date: 08/17/2011 (949367) CN603871732
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

Date: 08/17/2011 (949281) CN603871732
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Date: 08/17/2011 (949351) CN603871732
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Date: 08/17/2011 (949411) CN603871732
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(2)
Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/17/2011 (949372) CN603871732
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator: CN603334764 ROMERO, GERARDO M Classification: AVERAGE Rating: 3.01
Regulated Entity: RN105377410 SOL Y MAR Classification: AVERAGE BY DEFAULT Site Rating: 3.01

1080238

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
Location: 1/4 MILE EAST OF INTERSECTION OF STEWART ROAD &
RIDGE ROAD, HILDALGO COUNTY, TX
TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: August 23, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 23, 2006 to August 23, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Epi Villarreal Phone: 361-825-3425

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 11/17/2008

ADMINORDER 2008-0848-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to locate a water well used for a public water supply at least 150 feet from a septic drain field.

Specifically, the well was located within 50 feet of a septic tank.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to obtain sanitary control easements for land covering within 150 feet of the well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to submit well completion data for Commission's review and approval prior to placing the well into service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide a concrete sealing block extending at least three feet from the well in all directions, with a minimum thickness of six inches.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the water system's wellhead with a gasket or sealing compound and failed to provide a well casing vent covered with a 16-mesh or finer corrosion-resistant screen.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow-measuring device or other method for determining well production capacities.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to provide a properly constructed intruder-resistant fence for the water system's well.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)
Description: Failure to provide disinfection facilities for the groundwater supply.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.46(a)
Description: Failure to submit plans and specifications to the executive director for review and approval prior to the establishment of a new public water supply.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to maintain records of operation and maintenance activities.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/11/2009	(737516)
2	08/18/2011	(949281)
3	08/18/2011	(949351)
4	08/17/2011	(949357)
5	08/17/2011	(949367)
6	08/17/2011	(949372)
7	08/17/2011	(949380)
8	10/01/2009	(949384)
9	07/21/2009	(949399)
10	03/27/2009	(949407)
11	08/17/2011	(949411)
12	08/19/2011	(949983)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/27/2009	(949407)	CN603334764
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(2)		
	30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
Description:	This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2008.		

Date: 07/21/2009 (949399) CN603334764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009.

Date: 10/01/2009 (949384) CN603334764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009.

Date: 08/17/2011 (949380) CN603334764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Date: 08/17/2011 (949357) CN603334764
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.

Date: 08/17/2011 (949367) CN603334764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

Date: 08/17/2011 (949281) CN603334764
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 01/01/2011 to 03/31/2011.

Date: 08/17/2011 (949351) CN603334764
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)
 30 TAC Chapter 290, SubChapter F 290.106(e)
 Description: This system failed to monitor and/or failed to report nitrate levels at EP001 to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

Date: 08/17/2011 (949411) CN603334764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(1)
 30 TAC Chapter 290, SubChapter F 290.113(f)(2)
 Description: This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2010 to 12/31/2010.

Date: 08/17/2011 (949372)

CN603334764

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GERARDO M. ROMERO AND
MARIVEL ROMERO DBA SOL Y
MAR
RN105377410**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1483-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gerardo M. Romero and Marivel Romero dba Sol Y Mar ("the Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this agreement to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondents own and operate a public water supply approximately one quarter mile east of the intersection of Stewart Road and Ridge Road, Hidalgo County, Texas (the "Facility") that has approximately 28 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on August 15, 2011, TCEQ staff documented that the Respondents did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter. Specifically, the Respondents did not submit DLQORs from the fourth quarter of 2008 through the second quarter of 2011.
3. During a record review conducted on August 15, 2011, TCEQ staff documented that the Respondents did not provide the results of quarterly nitrate sampling to the Executive Director. Specifically, the Respondents did not provide nitrate monitoring results for the second quarter of 2010 through the first quarter of 2011 for Entry Point 001.
4. During a record review conducted on August 15, 2011, TCEQ staff documented that the Respondents did not provide the results of annual stage 1 disinfectant by-product ("DBP") sampling to the Executive Director. Specifically, the Respondents did not provide DBP monitoring results for the year 2010.
5. The Respondents received notice of the violations on August 24, 2011.

II. CONCLUSIONS OF LAW

1. The Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondents failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Findings of Fact No. 3, the Respondents failed to provide the results of quarterly nitrate sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
4. As evidenced by Findings of Fact No. 4, the Respondents failed to provide the results of annual stage 1 DBP sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.113(e).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondents for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction;

for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of Three Thousand Ten Dollars (\$3,010) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondents have paid One Hundred Ten Dollars (\$110) of the administrative penalty. The remaining amount of Two Thousand Nine Hundred Dollars (\$2,900) of the administrative penalty shall be payable in 29 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Respondents to meet the payment schedule of this Agreed Order constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed an administrative penalty in the amount of Three Thousand Ten Dollars (\$3,010) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gerardo M. Romero and Marivel Romero dba Sol Y Mar, Docket No. 2011-1483-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The Respondents shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.113 (Disinfection By-products);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of the Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 (Inorganic Contaminants) and 290.113 (Disinfection By-products); and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals

immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondents if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the

Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

2/3/12
Date

We, the undersigned, have read and understand the attached Agreed Order in the matter of Gerardo M. Romero and Marivel Romero dba Sol Y Mar. We are authorized to agree to the attached Agreed Order on behalf of Gerardo M. Romero and Marivel Romero dba Sol Y Mar, and do agree to the specified terms and conditions. We further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

We understand that by entering into this Agreed Order, Gerardo M. Romero and Marivel Romero dba Sol y Mar waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. We agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

We also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gerardo M. Romero
Signature

11-28-11
Date

GERARDO M. ROMERO
Name (Printed or typed)
Authorized Representative of
Gerardo M. Romero dba Sol Y Mar

OWNER/ MANAGER
Title

Marivel Romero
Signature

11-28-11
Date

Marivel Romero
Name (Printed or typed)
Authorized Representative of
Marivel Romero dba Sol Y Mar

owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.